

CLEAN VERSION OF AMENDMENTS (continued)

IN THE CLAIMS

Cancel claims 1-54.

Add new claims 55-100 as follows:

- B4
55. A DNA construct comprising the promoter of the plant V-ATPase subunit c in isoform 2 or its functional equivalent, operatively linked with a heterologous gene.
 56. The DNA construct as claimed in claim 55, wherein the plant V-ATPase promoter is obtained from dicotyledonous plants.
 57. The DNA construct as claimed in claim 55, wherein the plant V-ATPase promoter is obtained from monocotyledonous plants.
 58. The DNA construct as claimed in claim 55, wherein the plant V-ATPase promoter is obtained from plants selected from the group consisting of sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembrianthemum crystallinum* or *Arabidopsis thaliana*.
 59. The DNA construct as claimed in claim 55, which additionally comprises a second promoter which can be regulated in a different manner than the first promoter.
 60. The DNA construct as claimed in claim 55, which is an expression cassette.
 61. The DNA construct as claimed in claim 55, wherein the heterologous gene, is a selection marker or a resistance-mediating gene or a gene of other medicinal,

agronomical or other interest.

62. A polynucleotide comprising the sequence of the promoter of *B. vulgaris* V-ATPase subunit c isoform 2 set forth in SEQ ID NO: 1 or the functional equivalent of this promoter.

63
64. A recombinant vector which additionally comprises the construct as claimed in claim 55.

64
65. The recombinant vector as claimed in claim 64, which is a shuttle vector.

65
66. The recombinant vector as claimed in claim 64, which is an expression vector.

66
67. A microorganism which is transformed with the recombinant vector as claimed in claim 64.

67
68. A transgenic plant cell or transgenic protoplast whose genome encompasses the DNA construct as claimed in claim 55.

68
69. The transgenic plant cell or transgenic protoplast as claimed in claim 68 obtained from a monocotyledonous plant.

69
70. The transgenic plant cell or transgenic protoplast as claimed in claim 68 obtained from a dicotyledonous plant.

70
71. The transgenic plant whose genome additionally comprises the construct as claimed in claim 55.

71
72. The transgenic plant as claimed in claim 71, which is a monocotyledonous plant.

72
73. The transgenic plant as claimed in claim 71, which is a dicotyledonous plant.

73
74. The transgenic plant as claimed in claim 71, which is sugar beet, tobacco, barley,

rice, potato, sunflower, soya, tomato, *Canola*, wheat, oilseed rape, sorghum, carrot, maize, *Mesemranthemum crystallinum* or *Arabidopsis thalinana*.

1.126
B4
central
74
75. A method for the expression of a heterologous gene, in a plant cell or a protoplast, which comprises transforming the cell or the protoplast with the DNA construct as claimed in claim 55 and subsequently exposing the transformed cell or the protoplast to a stress that controls the expression of the heterologous gene, which has been transformed by means of the DNA construct.

75
76. The method as claimed in claim 75, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.

76
77. The method as claimed in claim 75, wherein the plant cell or the protoplast is obtained from a dicotyledonous plant.

77
78. The method as claimed in claim 75, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thalinana*.

78
79. A method for the expression of a heterologous gene in a plant, which comprises regenerating cells or protoplasts transformed with the DNA construct as claimed in claim 55 to produce a transgenic plant and subsequently exposing the plant transformed in this way to a stress that controls the expression of the heterologous gene which has been transformed by means of the DNA construct.

79
80. The method as claimed in claim 79, wherein the transgenic plant is a

monocotyledonous plant.

1.126
B 4
cont.
80
81. The method as claimed in claim 79, wherein the transgenic plant is a dicotyledonous plant.

81
82. The method as claimed in claim 79, wherein the transgenic plant is sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

82
83. A method for producing a recombinant protein, which comprises transforming a plant cell or a protoplast with the DNA construct as claimed in claim 55 and subsequently exposing the transformed cell or the protoplast to a stress which causes the DNA-construct to express the recombinant protein.

83
84. The method as claimed in claim 83, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.

84
85. The method as claimed in claim 83, wherein the plant cell or the protoplast is obtained from dicotyledonous plant.

85
86. The method as claimed in claim 83, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

86
87. A method of producing a recombinant protein in a plant, which comprises regenerating cells or protoplasts transformed with a DNA construct as claimed in

claim 55 to produce a transgenic plant and subsequently exposing the resulting transgenic plant to a stress which causes the DNA-construct to express the recombinant protein.

1.126
B4
critical
87
88. The method as claimed in claim 87, wherein the transgenic plant is a monocotyledonous plant.

88
89. The method as claimed in claim 87, wherein the transgenic plant is a dicotyledonous plant.

89
90. The method as claimed in claim 87, wherein the transgenic plant is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembrianthemum crystallinum* or *Arabidopsis thaliana*.

90
91. A method of producing a recombinant protein in a plant cell or a protoplast comprising the step of expressing the DNA construct as claimed in claim 55.

91
92. A method of producing a recombinant protein in a plant comprising the step of transforming said plant with the DNA construct as claimed in claim 55.

92
93. A method of expressing a gene in a plant under stress comprising the step of transforming a plant with the DNA construct as claimed in claim 55.

92
94. A method of expressing a gene in a plant under stress comprising the step of transforming said plant with a plant V-ATPase promoter.

94
95. The method according to claim 94, wherein the plant V-ATPase promoter is the promoter of *B. vulgaris* V-ATPase subunit c isoform 2 set forth in SEQ ID NO: 1.

95
96. The method as claimed in claim 94, wherein at least one further pyrimidine stretch is inserted into the promoter.

96
97. A plant cell or protoplast which is transformed with the DNA construct as claimed in claim 55 and which is resistant to stress, as a result of the expression of the DNA construct.

97
98. The plant cell or protoplast which is transformed with the DNA construct as claimed in claim 55 and which is resistant to salt stress, as a result of the expression of the DNA construct.

98
99. A plant which is transformed with the DNA construct as claimed in claim 55 and which is resistant to stress, as a result of the expression of the DNA construct.

99
100. The plant which is transformed with a DNA construct as claimed in claim 55 and which is resistant to salt stress, as a result of the expression of the DNA construct.